

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Tamatha M. Bechtold, as Trustee
for the Heirs and Next of Kin of
Mitchel Raymond Hiltner, Decedent,

Case No. 20-cv-1855-KMM-LIB

Plaintiff,

vs.

City of St. Cloud, Minnesota;
Matthew Riekana, individually and in
his capacity as a St. Cloud police officer;
Erik Wilson, individually and in his
capacity as a St. Cloud police officer;
Brandon Merkling, individually and in
his capacity as a St. Cloud police officer;
and Jared Rathburn, individually and in his
capacity as a St. Cloud police officer,

Defendants.

**STIPULATION OF DISMISSAL
WITH PREJUDICE OF DEFENDANTS
MATTHEW RIEKENA,
ERIK WILSON, BRANDON
MERKLING AND JARED RATHBUN**

The undersigned attorneys hereby advise the Court that all of the claims by Plaintiff, Tamatha M. Bechtold, as Trustee for the Heirs and Next of Kin of Mitchel Raymond Hiltner, Decedent, against Defendants, Matthew Riekana, Erik Wilson, Brandon Merkling and Jared Rathburn, individually, and in their official capacity, or otherwise, in the above-entitled matter are hereby dismissed with prejudice.

THEREFORE, IT IS HEREBY STIPULATED BY AND BETWEEN,
Plaintiff, Tamatha M. Bechtold, as Trustee for the Heirs and Next of Kin of Mitchel Raymond Hiltner, Decedent, and her attorney, Robert Gardner, and the attorneys for Defendants, that Plaintiff Tamatha M. Bechtold, as Trustee for the Heirs and Next of Kin of Mitchel Raymond Hiltner, Decedent's claims against, Matthew Riekana, Erik Wilson,

Brandon Merkling and Jared Rathbun, either officially or individually, or otherwise, are hereby dismissed with prejudice.

Plaintiff specifically acknowledges this dismissal is voluntarily entered into and further that no payment or separate consideration is being paid for entering into this dismissal from or on behalf of Matthew Riekana, Erik Wilson, Brandon Merkling and Jared Rathbun. These parties also agree that no costs or disbursements or attorney's fees, including attorney's fees pursuant to 42 U.S.C. § 1988 will be sought, recovered, or paid by Plaintiff or the dismissed Defendants.

The undersigned hereby pray for an Order of the Court dismissing all claims against Defendants Matthew Riekana, Erik Wilson, Brandon Merkling and Jared Rathbun, either officially or individually, or otherwise.

IT IS FURTHER STIPULATED that, without further notice, all of Plaintiff's claims against Matthew Riekana, Erik Wilson, Brandon Merkling and Jared Rathbun, without costs or disbursements or attorney's fees to any of the parties, are dismissed on the merits and with prejudice.

ROBERT GARDNER LAW

Dated: August 29, 2022

/s/ Robert M. Gardner
Robert M. Gardner, #0234977
3265 19th Street N.W., #625
Rochester, MN 55901
Tel: 651-927-9031
robert@robertgardnerlaw.net

Attorneys for Plaintiff

JARDINE, LOGAN & O'BRIEN, P.L.L.P.

Dated: August 29, 2022

By: s/ Joseph E. Flynn
Joseph E. Flynn, #0165712
Vicki A. Hrubby, # 0391163
8519 Eagle Point Boulevard, Suite 100
Lake Elmo, MN 55042-8624
Telephone: (651) 290-6500
Facsimile: (651) 223-5070
jflynn@jlolaw.com
vhrubby@jlolaw.com

Attorneys for Defendants